

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NOS. 2021-37-T and 1994-354-T - ORDER NO. 2021-89

MARCH 15, 2021

IN RE: Docket No. 2021-37-T – Application of	)	ORDER GRANTING
Kiawah Island Community Association,	)	CLASS C CHARTER
Incorporated for Class C (Charter) Certificate	)	CERTIFICATE AND
of Public Convenience and Necessity for	)	GRANTING EXEMPTION
Operation of Motor Vehicle Carrier	)	TO REGULATION 103-
and	)	153.1
Docket No. 1994-354-T – Request for	)	
Exemption to S.C. Code Ann. 58-23-80, Reg.	)	
103-153.1, Regarding Vehicle ID Markings	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Kiawah Island Community Association, Inc. (“Applicant,” “Company,” or “KICA”), filed February 2, 2021, for a Class C Charter Certificate of Public Convenience and Necessity to render motor carrier service over irregular routes as follows:

BETWEEN POINTS AND PLACES IN BERKELEY, CHARLESTON, AND  
DORCHESTER COUNTIES, SOUTH CAROLINA,

RESTRICTED TO: FIFTEEN (15) PASSENGERS.

Subsequent to filing its Application, KICA on February 3, 2021, submitted a request seeking exemption to Commission Regulation 103-153.

S.C. Code Ann. Regs. 103-153(1) (2012) provides:

Marking of Vehicles Required. No carrier regulated by the Public Service Commission shall operate any motor vehicle upon the highways in the transportation of property or passengers for compensation unless the name, or trade name, place of principal office, and PSC I.D. number appear on

both sides of such vehicle in letters and figures not less than three (3) inches high.

Upon consideration of the Application, the representations contained therein, and the documentary evidence attached thereto, the Commission finds that the Applicant is fit, willing, and able to perform the service to the public under the authority sought. The Commission also finds that the granting of the Certificate is required by public convenience and necessity.

In addition, the Applicant has requested an exemption from S.C. Code Ann. Regs. 103-153.1 (2012), which requires that vehicles used to provide services under a Certificate be marked with the name of the company, the place of the principal office of the company, and the PSC ID number on both sides of the vehicles. The Applicant asserts that the Company's customers would be comprised solely of members of the Property Owners Associations in the Kiawah Island area, and the vehicles would not be available for charter by any non-members. Further, the Applicant notes that the membership of the Property Owners Associations prefer discretion and anonymity when using the private charter vehicles owned by the Applicant.

The exemption is granted for the two vehicles listed by the Applicant, a Toyota Sequoia and a Mercedes. Since the vehicles may not be chartered by any non-members, no signage is necessary, and waiving the regulation is not adverse to the public interest in this particular instance. Thus a waiver of Regulation 103-153.1 is appropriate.

IT IS THEREFORE ORDERED:

1. That the Application of Kiawah Island Community Association, Inc. for a Class C Charter Certificate of Public Convenience and Necessity is hereby approved.

2. That the Applicant cause to be filed with the Office of Regulatory Staff (ORS) the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 *et seq.* (2015), as amended, and by S.C. Code Ann. Regs. 103-100 through 103-241 (2012) of the Commission's Rules and Regulations for Motor Carriers, and S.C. Code Ann. Regs. 38-400 through 38-503 (2011) of the Department of Public Safety's Rules and Regulations for Motor Carriers, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That, upon compliance with the filing of information as required by S.C. Code Ann. Section 58-23-10, *et seq.* (2015), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 10 (2012), as amended, a Certificate shall be issued by the ORS to the Applicant authorizing the motor carrier services granted herein.

4. That, prior to compliance with the requirements regarding the filing of certain information with the ORS and receipt of a Certificate, the motor carrier services authorized by this Order may not be provided.

5. That failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and the payment of license fees and such other information required by law within ninety (90) days of the date of this Order or (2) request and obtain from the Commission additional

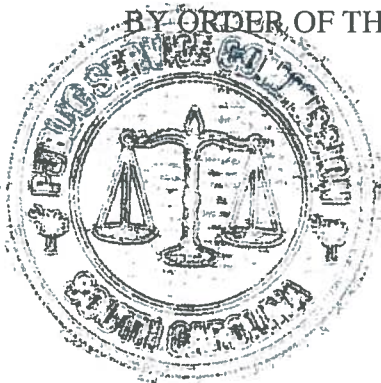
time to comply with the requirements stated above, this Order granting the Application shall be deemed null and void, and the Application herein shall be dismissed without prejudice. In this event, no further order of this Commission is necessary.

6. That, pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014), the ORS is requested to furnish the name and docket numbers of the Applicant to the Commission, should the Applicant fail to meet the requirements of the present Order. After such notification, the Docket shall be closed.

7. That the requested waiver of Commission Regulation 103-153.1 is granted.

8. That this Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina